United Nations A/HRC/30/15

General Assembly

Distr.: General
20 July 2015

Original: English

Human Rights Council
Thirtieth session
Agenda item 6
Universal periodic review

Report of the Working Group on the Universal Periodic Review*

Jamaica

* The annex to the present report is circulated as received.

GE.15-12199(E)

Please recycle

Contents

		Page
	Introduction	3
I.	Summary of the proceedings of the review process	3
	A. Presentation by the State under review	3
	B. Interactive dialogue and responses by the State under review	7
II.	Conclusions and recommendations	15
Annex		
	Composition of the delegation	27

Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its twenty-second session from 4 to 15 May 2015. The review of Jamaica was held at the 15th meeting, on 13 May 2015. The delegation of Jamaica was headed by Mark Golding. At its 17th meeting, held on 15 May 2015, the Working Group adopted the report on Jamaica.

2. On 13 January 2015, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Jamaica: Algeria, Estonia and Japan.

3. In accordance with paragraph 15 of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, the following documents were issued for the review of Jamaica:

(a) A national report (A/HRC/WG.6/22/JAM/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) (A/HRC/WG.6/22/JAM/2);

(c) A summary prepared by OHCHR (A/HRC/WG.6/22/JAM/3).

4. A list of questions prepared in advance by Germany, Liechtenstein, Mexico, Norway, Slovenia, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland, and the United States of America was transmitted to Jamaica through the troika. These questions are available on the extranet of the Working Group.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. The representative of the State under review stated that, as a newly independent country, Jamaica had initiated and advocated for the International Year for Human Rights as part of a focused attempt to define an international human rights landscape with agreed principles, guaranteeing fundamental freedoms and rights for all peoples. The Constitution guaranteed the protection of the human rights of all Jamaicans regardless of colour, class or creed. Since 2011, these rights had been further expanded through the Charter of Fundamental Rights and Freedoms. It also highlighted that the Charter applied vertically to the State and also horizontally among persons, therefore inculcating respect for human rights at all levels of society by holding all persons, including the State, accountable.

6. Jamaica had embarked on a path of national transformation through the national development plan for 2009–2030, Vision 2030 Jamaica, which revolved around four national goals: Jamaicans are empowered to achieve their fullest potential; Jamaican society is secure, cohesive and just; the economy is prosperous; and the country has a healthy natural environment.

7. Efforts were ongoing to address the impact on the country's economy of the 2008 global economic recession. The most central adjustment, aimed at reducing the overall debt burden, was the maintenance of a large primary surplus (7.5 per cent of the gross domestic product) for at least four years, an adjustment that limited the availability of resources for a range of policies and programmes in the social sector.

8. The Government's economic reform programme had yielded positive results, including unemployment reduction, economic growth, reduced inflation, a narrowing of the current-account deficit and increased local and foreign investments.

9. The needs of the vulnerable remained a top priority for the Government, which is why the first comprehensive social protection strategy of Jamaica had been developed in 2013 and, in March 2014, the Cabinet had approved a social protection strategy. The Government was currently developing a new national poverty policy and programme and a poverty reduction coordination unit had been established in the Planning Institute of Jamaica to oversee this process.

10. The Government understood that seeking to reduce crime and violence and improve social harmony were not incompatible with a sustained commitment to human rights but rather complementary. The Charter of Fundamental Rights and Freedoms afforded protection to the rights and freedoms of persons to the extent that those rights and freedoms did not prejudice the rights and freedoms of others. The Government thus remained determined to reduce crime and violence, including through an increased emphasis on social interventions, community programmes and more effective policing. The Jamaica Constabulary Force had acquired new equipment and technology, established additional posts and increased recruitment, and Jamaica had registered a marked downward trend in serious crimes over the past five years.

11. Regarding recommendations made during the first universal periodic review of Jamaica, the Cabinet had approved the establishment of an inter-agency steering committee on the review, which had been given the following tasks: to review the recommendations that Jamaica had accepted during the 2010 review; to develop an action plan, including strategies and timelines, to advance the implementation of those recommendations; to support efforts aimed at raising awareness about the promotion and protection of human rights; and, where necessary, to recommend possible changes to existing pieces of legislation.

12. Since its review, Jamaica had ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and would consider ratifying the Optional Protocol to the Convention on the Rights of Persons with Disabilities. In addition, Parliament had passed a comprehensive Disabilities Act in October 2014.

13. Jamaica had submitted reports to the Committee on the Elimination of Discrimination against Women, the Committee on the Elimination of Racial Discrimination, the Committee on the Rights of the Child, the Human Rights Committee and the Committee on Economic, Social and Cultural Rights.

14. Jamaica was still putting in place the relevant domestic legislation that could give effect to the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; acts of torture had never been condoned nor accepted as a practice in Jamaica. Significant progress was being made in addressing many of the recommendations of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment in his report on his visit to Jamaica in 2012, including concerning conditions in detention facilities.

15. Jamaica was at an advanced stage in the drafting of the legislation to bring its domestic law into compliance with the Rome Statute of the International Criminal Court. The Cabinet had already approved ratification of the Rome Statute once the required domestic legislation was in place.

16. At the primary and secondary levels, human rights education was included in the national curricula and in all levels of teacher training. The Jamaica Constabulary Force had

included fundamental human rights in its basic police training and had a highly qualified team of trainers.

17. The Government was actively pursuing the establishment of a national human rights institution and Jamaica already had an effective, extensive network of institutions mandated to protect the rights of Jamaicans. The plan was to establish a national human rights institution by expanding the role and functions of existing entities.

18. Jamaica regarded special procedures rapporteurs as constructive players in the international human rights framework. It was not opposed to accommodating visits of special rapporteurs, which were considered on a case-by-case basis. It added that adequate notice should be given to the Government to ensure that the necessary arrangements were in place for a successful visit, in accordance with mutually agreed dates. Jamaica recommended to the Human Rights Council that a mechanism should be put in place that allowed for information to be shared among these various human rights bodies and procedures, as there were often overlapping requests that were not only inefficient but also unduly stretched the country's limited resources.

19. Justice reform was a priority for the Government. The justice reform implementation unit, established in 2012, coordinated, monitored and supported the timely delivery of all justice-sector reform initiatives, driving the implementation of the justice reform agenda. Several projects, programmes and legislation had been developed over the past three years in support of a more efficient criminal justice system, including the Evidence (Amendment) Act, aimed at reducing sources of lengthy delay and unnecessary costs in the court process; the Administrator General (Amendment) Act, which would facilitate the speedier processing of intestate estates and substantially reduce burden of cases; the Criminal Records (Rehabilitation of Offenders) (Amendment) Act 2014, which reduced the period required before persons convicted of less serious offences could have their convictions removed from the criminal records; the Dangerous Drugs (Amendment) Act 2015, which removed the powers of arrest and detention in relation to the possession of small quantities or smoking of ganja, and possession of same would no longer be prosecuted in the courts. The Act also recognized the indigenous Rastafari community, and protected their constitutional right to freedom of religious expression by including special measures relating to the cultivation and use of the ganja plant for sacramental purposes. Flogging and whipping, forms of inhumane judicial punishment dating from the era of slavery and colonialism, had been legislatively abolished in 2012.

20. A national restorative justice programme was being established to ensure increased access to justice for citizens. The programme also encouraged increased public confidence and trust in the justice system by fostering greater participation in and ownership of restorative justice processes by communities and victims.

21. Regarding crime, justice and police reform, the delegation reported that a series of measures had been taken to enhance operational and administrative efficiency and reduce serious crime, including the successful merger of the Island Special Constabulary Force into the Jamaica Constabulary Force, and an increase in police recruitment, which had contributed to the ongoing improvement of crime statistics, with a 17 per cent decline in serious and violent crimes in 2014 over 2013.

22. The delegation reported the passing of important legislation relating to law enforcement, including the Law Reform (Fraudulent Transactions) (Special Provisions) Act and the Criminal Justice (Suppression of Criminal Organisations) Act, and legislation that would establish a national DNA database.

23. A data system to facilitate the operation of the sex offenders registry had been completed in 2014. Under the Sexual Offences Act, persons convicted of certain offences, including rape, abduction and the sale of or trafficking in persons, are included in the sex

offenders registry. The Department of Correctional Services would monitor registered sex offenders for the period stipulated by law after their release from custody.

24. On the 2010 operation in Tivoli, following an investigation by the Office of the Public Defender, a report had been submitted in April 2013, recommending, inter alia, the establishment of the Commission of Enquiry into the activities. The terms of reference for the Commission had been finalized after a process of public consultation and that the Commission had been working since December 2014.

25. Although there was a de facto moratorium on the application of the death penalty, no decision had been taken to abolish it from the law books. Individual petitioners retained the right to petition the Inter-American Commission on Human Rights.

26. The Government was strongly opposed to killings resulting from the excessive use of force by State agents and the Jamaica Constabulary Force had put in place a policy aimed at the protection of human rights, in particular the right to life, by enforcing regulations on the use of force, including firearms, in conformity with national and international laws. The policy had been supported by the establishment of the independent commission of investigations in 2010 as an institution dedicated to ensuring that allegations of the excessive use of force are investigated in a prompt, independent and effective manner. The delegation also said that the Government had increased the commission's financial, technical and human resources.

27. As a result of these measures, Jamaica had recorded a reduction of over 50 per cent in security-force-related fatalities in 2014 compared with 2013 and that the trend had continued in 2015. The Government also continued to act to ensure that police officers implicated in cases of excessive use of force and who had fled the country were extradited, where possible, to answer charges.

28. The protection of the vulnerable in society, particularly children, the elderly, women and the disabled, remained of paramount importance to Jamaica. For the protection of children, a national plan of action for an integrated response to Children and Violence was being developed. The Government had in 2004 established a comprehensive network of institutions mandated to protect the rights of children and ensure their well-being. The Ananda alert system, established in March 2013 through the Office of the Children's Registry, was a nationwide system used for the safe and speedy recovery of missing children, and had recorded some success since its inception.

29. Jamaica was firmly committed to improving conditions in the operation of lock-ups and correctional facilities in order to meet international human rights standards. However, several obstacles needed to be overcome, in particular the long-outdated physical infrastructure of the lock-ups and prisons. Notwithstanding these challenges, meaningful improvements had been made in the past two years, including a reduction in the number of juveniles in correctional or remand facilities and a 25 per cent decrease in 2014 in the number of persons in police custody.

30. A national policy for gender equality had been put in place in 2011. According to a study conducted in 108 countries by the International Labour Organization, Jamaica ranked highest in the world in the percentage of women managers, at 59.3 per cent.

31. Gender-based violence remained a challenge that required a multi-faceted approach. A national strategic plan of action to eliminate gender-based violence was being finalized as part of a strengthened effort to address gender-based violence in all its forms.

32. The national task force against trafficking in persons was raising awareness among the public of the problem of trafficking and in 2013 the Trafficking in Persons Act had been amended, widening the offence of human trafficking to include debt bondage and offences similar to trafficking and establishing a mandatory order for restitution for victims of

trafficking. Eight trafficking in persons cases were currently before the court. The delegation considered that, owing to the clandestine nature of the crime, it was increasingly difficult to secure convictions as victims and witnesses were often reluctant to testify.

33. The Constitution of Jamaica and the Charter of Fundamental Rights and Freedoms Act (2011) guaranteed certain State protection to persons with disabilities. The Disabilities Act 2014 sought to promote, protect and facilitate the full and equal enjoyment of all fundamental rights and freedoms for persons with disabilities.

34. The 2009 policy on refugees, which was guided by the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees, had established the procedures for managing the refugee-status determination process.

35. A national policy and plan of action on international migration and development had been adopted. The Constitution guaranteed basic human rights to all Jamaicans and prohibited discrimination on the basis of sex or gender. In order to create greater understanding of the concerns of the lesbian, gay, bisexual and transgender community, several initiatives had been put in place. The Jamaica Constabulary Force had already established a clear policy of engagement with the that community, including human rights training and awareness-raising. Its diversity policy included objectives such as fostering public confidence by demonstrating fairness, integrity, tolerance and understanding, providing the necessary support to victims and eliminating fear of reporting crime and violence.

36. The delegation highlighted that the Jamaican Government remained committed to implementing the recommendations arising from the universal periodic review and would endeavour to uphold its demonstrated tradition of respect for the rule of law.

37. As a small island developing State that was highly indebted, Jamaica had capacity constraints and was vulnerable to external shocks that posed very real constraints on its ability to implement the full range of measures that would enable all citizens to enjoy their civil, political, social and cultural rights. The representative of Jamaica expressed gratitude to the many bilateral partners that had offered technical and other assistance to ensure the development of national capacities to meet the State's obligations to the people of Jamaica. In conclusion, he said that Jamaica hoped to continue to have meaningful partnerships, at home and abroad, striving to strengthen the human rights and dignity of the Jamaican people.

B. Interactive dialogue and responses by the State under review

38. During the interactive dialogue, 64 delegations made statements. Recommendations made during the dialogue can be found in section II of the present report.

39. Sweden asserted that, according to reports, hostility and violence perpetrated against Jamaicans who are either lesbian, gay, bisexual or transgender is widespread, and that despite the fact that more of these persons were reporting acts of violence and discrimination to the police, many incidents remained unreported.

40. Thailand encouraged Jamaica to work towards a permanent coordination structure to monitor and report on human rights obligations. It raised concerns about reports of excessive use of force by law enforcement personnel, and hence welcomed the establishment of the independent commission of investigations.

41. Timor-Leste welcomed the adoption of the Charter of Fundamental Rights and Freedoms, the Sexual Offences Act and the Child Pornography Prevention Act. It remained concerned by the prevalence of trafficking in persons despite the existence of a national plan of action.

42. Togo praised the progress in gender equality, with the appointment of a woman as Prime Minister and with 21 per cent of Parliament being women. It commended Jamaica on the protection of persons with disabilities through the 2014 Law and the Vision 2030 Jamaica national development plan.

43. Trinidad and Tobago also applauded the Vision 2030 Jamaica national development plan, which integrated a wide spectrum of socioeconomic human rights objectives. It commended Jamaica on its national energy policy and its target to achieve 30 per cent of renewable energy by 2030.

44. Turkey enquired about the social-development strategy drawn up in 2013. It echoed the concerns of the Committee on the Elimination of Discrimination against Women on the high incidence of domestic violence. It encouraged the finalization and implementation of the national strategic plan of action to eliminate gender-based violence.

45. The United Kingdom of Great Britain and Northern Ireland urged the Government to implement fully comprehensive anti-discrimination legislation. It welcomed the steps taken to identify and prosecute members of the security forces involved in acts of corruption or violence against civilians.

46. France deplored the persistence of discrimination and violence against lesbian, gay, bisexual and transgender persons. It raised concerns over police violence and the conditions in detention. To improve the situation, it encouraged Jamaica to implement effectively the control procedures based on national laws.

47. Uruguay highlighted the emphasis on early education and the implementation of the "tablets in schools" pilot programme. It congratulated Jamaica on the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the ongoing consideration of the ratification of the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

48. The Bolivarian Republic of Venezuela noted that notwithstanding the challenges of climate change, Jamaica had demonstrated its commitment to implementing the recommendations from the first cycle. It welcomed the implementation of the national development plan and the gender equality policy, as well as efforts for the protection of the rights of persons with disabilities.

49. Algeria welcomed the progress made by Jamaica since the first review, including the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. It commended the country on the measures taken to provide better protection to women, on the efforts to strengthen gender equality and on the national development plan.

50. Angola commended Jamaica on the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the submission of the fourth periodic report under the International Covenant on Civil and Political Rights. It encouraged Jamaica to continue its cooperation with the special procedures mandate holders. It remained concerned over conditions at correctional facilities.

51. Argentina thanked the delegation for the presentation of the national report. It congratulated Jamaica on the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography following the first review.

52. Australia remained concerned at the high levels of physical and sexual violence against women and girls, that a formal moratorium on the death penalty had not been

adopted and at the high numbers of police killings. It welcomed the willingness of Jamaica to engage actively in the universal periodic review process.

53. Barbados noted progress on enhancing gender equality and on the empowerment of women and girls. It urged Jamaica to prioritize finalizing and implementing the national strategic plan of action to eliminate gender-based violence. It viewed as positive the efforts to enhance the security of citizens.

54. Botswana commended Jamaica on the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as recommended in the first review cycle. It encouraged Jamaica to finalize and fully implement the national strategic plan of action to eliminate gender-based violence and step up its efforts to combat trafficking in persons.

55. Mexico noted the progress made since the last review. It commended Jamaica on the changes in the legal framework, in particular the adoption of initiatives to eliminate gender violence, as well as efforts to secure general access to drinking water.

56. Cabo Verde praised the spectrum of measures taken to implement the recommendations from the first review cycle through the adoption of legislative measures the creation of institutions and the adoption of policies and plans relating to gender-based violence, judicial reform, law enforcement abuse, human trafficking and social protection.

57. Canada welcomed the steps taken by the Ministry of Justice in collaboration with the Commonwealth Secretariat towards the establishment of a national human rights institution and encouraged continued efforts in this area.

58. Chile noted that the Charter on Fundamental Rights and Freedoms did not protect against all forms of discrimination. It praised the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Chile regretted the non-abolition of the death penalty.

59. China highlighted in particular the progress made by Jamaica in the implementation of the national development plan, the strengthening of social security and the recovery of the economy. China further recognized the efforts made in the areas of gender equality, improvement of the legal system and human rights education.

60. Colombia highlighted the commitment of Jamaica to promoting and protecting human rights, recognizing in particular the Charter of Fundamental Rights and Freedoms. Colombia noted efforts to implement recommendations from the first cycle, particularly those made by Colombia on women's rights.

61. Jamaica thanked countries for their recognition of the progress Jamaica had made in the area of human rights and noted the observations and recommendations made. The delegation recalled that many of the questions raised had already been addressed in its report and in the statement, specifically those regarding the Convention against Torture, the death penalty, the use of force by police, the visits by the special procedures, the Optional Protocol to the Convention on the Rights of Persons with Disabilities and the lesbian, gay, bisexual, transsexual and intersex community.

62. With regard to a reference to the killing of human rights defenders, the delegation said that the Government was not aware of there being any killing or adverse treatment of human rights defenders, who were accorded a great deal of respect, had full access to the media and had assisted greatly in the progress Jamaica had made in human rights.

63. As to the project on justice reform, the delegation said that, owing to a lack of resources in the area, these issues had to be approached through non-funded activities such as procedural reforms.

64. In relation to the social intervention programmes, the delegation said that the Path programme was the country's safety-net programme which provided for cash transfers that were based on children attending school, basic public health, inoculations etc., and had generally been considered successful. The delegation added that payments were differentiated to improve the school-attendance levels of students, especially boys. It also mentioned transitional grants to complete secondary school, bursaries for third-level students based on their academic achievement, transportation allowances and the food programme for schools.

65. Regarding a comment about the incarceration of juveniles, the delegation stated that this was no longer the case, as for both males and females there were separate facilities for juveniles from adults. The only exception was if a juvenile was of a particularly serious risk to other juveniles and had to be housed in especially secure accommodation, and there were few such cases.

66. Costa Rica welcomed the commitment of Jamaica to consolidating democracy. It was concerned at the excessive use of force by security forces and therefore welcomed the creation of the independent commission of investigations. It hoped that the national strategic plan of action to eliminate gender-based violence would be promptly adopted.

67. Cuba recognized the progress made in the implementation of recommendations from the first cycle. It highlighted the national development plan, the social protection strategy, the ongoing work on the national strategic plan of action to eliminate gender-based violence and efforts to improve the situation in places of detention.

68. Cyprus welcomed the fact that Jamaica had abstained from applying the death penalty for 25 years. It expressed concern, however, that the Government was not considering abolishing capital punishment.

69. The Democratic Republic of the Congo praised the adoption of the national plan Vision 2030 and the establishment of the independent commission of investigations. It noted the strengthening of freedom of expression through the adoption of new laws.

70. Denmark was pleased to learn that Jamaica was currently working to put in place relevant legislation with a view to ratifying the Convention against Torture, in line with accepted recommendations from the first view. It noted that the Convention against Torture Initiative, which was a Government-to-Government exchange and cooperation initiative, stood ready to assist Jamaica if deemed useful.

71. The Dominican Republic commended Jamaica on the national development plan and the gender equality plan. It highlighted efforts to improve conditions in detention centres and invited Jamaica to become acquainted with its penitentiary system, which is used as a model by various countries in the region.

72. Ecuador recognized the efforts made to implement recommendations from the first review, in particular the adoption of legislative measures to eliminate discrimination and violence against women. It praised efforts for the promotion and protection of the rights of persons with disabilities, as part of the national development plan.

73. Egypt commended Jamaica on the adoption of the Charter of Fundamental Rights and Freedoms, the Sexual Offences Act and the Child Pornography Prevention Act. It expressed concern about trafficking in persons.

74. Estonia encouraged Jamaica to strengthen dialogue and cooperation with civil society in all fields. It commended Jamaica on the positive steps since the previous universal periodic review. It welcomed the adoption of legislative measures aimed at eliminating discrimination and violence against women and promoting gender equality. It

was concerned about the high level of violence and use of corporal punishment in the home and in schools.

75. The United States of America remained concerned about the involvement of government security forces in unlawful killings, laws prohibiting consensual same-sexual conduct, and violence and discrimination against the lesbian, gay, bisexual and transsexual community. It noted that despite the Government's efforts, trafficking for sex and forced labour involving children and adults persisted.

76. Germany remained concerned over the continued violence against women and lesbian, gay, bisexual and transsexual persons and the lack of investigations in cases of alleged extrajudicial killings. It encouraged ratification of the Convention against Torture, as well as the 1954 Convention relating to the Status of Statelessness Persons and the Second Optional Protocol to the International Covenant on Civil and Political Rights.

77. Guatemala praised the establishment of a national human rights institution. It echoed the recommendation of the Committee on the Rights of the Child to ratify the Convention against Torture and its Optional Protocol. Referring to the Office of the United Nations High Commissioner for Refugees, it encouraged the establishment of an impartial and swift refugee-status determination procedure in accordance with international norms.

78. Honduras applauded the efforts of Jamaica to implement previously accepted recommendations and make progress on human rights, particularly on gender equality. It commended the national development plan, Vision 2030, and the Law on Disability (2014).

79. India appreciated the cooperation between Jamaica and human rights mechanisms, as well as the national development plan, Vision 2030, the national restorative justice programme, and the independent commission of investigations. It asked about the social-protection strategy and about efforts to resolve community-level conflicts. It appreciated the efforts made to combat crime, violence and human trafficking. It encouraged strengthening the judiciary.

80. Indonesia commended Jamaica on the national policy for gender equality, independent commission of investigations and the national action plan on human trafficking. It acknowledged progress in addressing recommendations from the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment. It welcomed the decision to establish a national human rights institution.

81. Ireland congratulated Jamaica on the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. It encouraged extending a standing invitation to special procedures mandate holders. It was concerned that the Sexual Offences Act 2009 protected against marital rape only in certain circumstances. Ireland noted that Jamaica was considering establishing a national human rights institution.

82. Italy welcomed steps to implement the recommendations of the universal periodic review and the treaty bodies. It encouraged Jamaica to make further efforts to combat any form of discrimination.

83. Japan commended Jamaica on its gender equality policy, but was concerned about domestic and sexual violence against women. It encouraged further strengthening women's rights. Despite measures to protect children, Japan was concerned at child abuse. It was also concerned about detention conditions.

84. Malaysia appreciated efforts to train police and law enforcement personnel and to combat gender-based violence, as had been previously recommended by Malaysia. It lauded the national development plan, Vision 2030, and the ratification of the Optional

Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Malaysia noted achievements in gender equality.

85. Maldives commended Jamaica for the progress made in key areas since its last review, in particular achievements in addressing gender equality, non-discrimination and the empowerment of women. It further commended Jamaica on the recent social-protection strategy, which it said was essential in safeguarding the rights of vulnerable groups.

86. Mauritius commended Jamaica on its commitment to the universal periodic review process, highlighting legislative and institutional changes. It congratulated Jamaica on the steps taken to promote gender equality and the empowerment of women. It noted the positive steps towards the establishment of a national human rights institution.

87. Brazil stressed that more attention should be given to the rights of women, children, the lesbian, gay, bisexual and transsexual community and persons living with HIV/AIDS. It welcomed the legislative measures to eliminate discrimination against women. Brazil commended the implementation of the national development plan, Vision 2030.

88. Montenegro welcomed the legislative measures taken by Jamaica between the two review cycles, aimed at promoting gender equality and eliminating violence against women and girls. It asked about activities taken to strengthen the legislation framework and implementation of policies and programmes in the field of gender equality and the fight against homophobia and discrimination based on sexual orientation and gender identity.

89. Morocco encouraged Jamaica to continue to harmonize its national legislation with its international obligations. It welcomed the ratification of the Convention on the Rights of the Child and its Optional Protocol on the sale of children, child prostitution and child pornography. Morocco praised the legislative measures taken to eliminate discrimination against women and the policies to promote gender equality and to combat AIDS.

90. Namibia commended Jamaica on its national development plan, Vision 2030, and on its comprehensive social-protection strategy. It noted the explanation and comments given by the Jamaican delegation on the death penalty.

91. The Netherlands welcomed the Charter of Fundamental Rights and Freedoms, the Sexual Offences Act and the Child Pornography Act. It expressed concern about the violence against lesbian, gay, bisexual and transsexual persons and the abstention from signing the Rome Statute.

92. Nicaragua congratulated Jamaica on its measures to implement previous universal periodic review recommendations. It appreciated the national policy for gender equality and the social-protection policy.

93. Regarding the question of corporal punishment in schools, the delegation stated that regulations in Jamaica prohibited the use of corporal punishment. The delegation added that wider prohibition of corporal punishment in Jamaica was a culturally sensitive issue that was under consideration, and that no definitive position had been taken on that matter.

94. On the definition of marital rape in the Sexual Offences Act, the delegation asserted that the point was well taken and that the Act was under review by a select committee under Parliament, and one of the issues before the committee was to eliminate some of the restrictiveness of the current definition of marital rape.

95. In relation to the Rome Statute, Jamaica had signed it but had not yet ratified it and domestic legislation had to be brought into conformity before acceding to it. The delegation added that this was a policy followed by the Government so not to be in breach of any international laws by not having domestic law in compliance.

96. With regard to correctional facilities and lock-ups, a new block for low- and medium-security prisoners was being commissioned that would address overcrowding at the two main high-security, correctional facilities. The delegation stated that a robust reclassification exercise was under way in relation to transferring low-risk inmates from high-security facilities, partly aimed at addressing overcrowding.

97. With regard to HIV/AIDS awareness and stigma elimination, the delegation mentioned the national workplace policy, a non-discriminatory policy that made it easier for people living with HIV/AIDS to work comfortably without discrimination. It also mentioned a new occupational health and safety bill that was expected to be brought to Parliament this year.

98. Regarding the use of force, the delegation asserted that the role of the independent commission of investigations as an investigatory body had expanded to include prosecutorial powers and that, since then, it had been able to initiate its own prosecutions.

99. The delegation of Jamaica also said that major players from the non-governmental organization community had been appointed to the steering committee that had been established for the universal periodic review. It said that their attendance had been good initially but had fallen off recently and that invitations had consistently been extended to them to attend, although they had not always chosen to do so.

100. The Niger welcomed the adoption by Jamaica of the national development plan, Vision 2030. It noted the national public policy for gender equality, the national action plan for the elimination of gender-based violence and the Charter of Fundamental Rights and Freedoms.

101. Nigeria welcomed the national development plan of Jamaica, Vision 2030, the comprehensive social-protection strategy, the ratification of core international human rights instruments, the addressing of recommendations made by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and efforts made towards the establishment of a national human rights institution.

102. Norway noted the ratification by Jamaica of a majority of international human rights instruments. It noted with concern that Jamaica had not extended a standing invitation to the special procedures of the United Nations. It was also concerned about the criminalization of same-sex activities and discrimination against people living with HIV.

103. Panama commended measures taken regarding discrimination against women and protecting children, including the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. It urged Jamaica to further protect the rights of women, children and vulnerable groups. Panama praised the national development plan, Vision 2030, and consideration of ratifying the Convention on the Rights of Persons with Disabilities.

104. Paraguay commended progress in development, gender violence, disabilities and children, and the de facto moratorium on executions. It acknowledged the efforts made to implement human rights recommendations but also the challenges to comply with treaty bodies' reporting. It urged Jamaica to ratify the Convention against Torture and the International Convention for the Protection of All Persons from Enforced Disappearance.

105. The Philippines, while acknowledging the adverse impact of climate change on Jamaica, commended Jamaica on the human rights approach of its policies on the matter. It acknowledged improvements in human trafficking laws. It noted the lack of a national human rights institution.

106. Portugal welcomed the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and the adoption of the Charter of Fundamental Rights and Freedoms.

107. Rwanda commended Jamaica on its efforts on gender equality and women empowerment, mainly in the public decision-making sphere. It applauded measures to address female underrepresentation in Parliament.

108. Senegal noted the national development plan, Vision 2030, the programme targeting persons with disabilities, the measures to protect women from discrimination, and the government campaign against corporal punishment in schools.

109. Sierra Leone appreciated the national development plan, Vision 2030, the social protection strategy, the percentage of women in managerial positions and the policies on climate change and on disability. It urged Jamaica to eradicate violence against women and children and to protect human rights defenders.

110. Singapore noted measures to enhance gender equality and the empowerment of women, and to reform the judicial sector. It acknowledged the country's development constraints, and commended Jamaica on its national development plan, Vision 2030, and its social protection strategy.

111. Slovenia welcomed the national policy on gender equality and plans addressing gender inequality in political participation. It was concerned about the widespread gender-based violence and the high rate of crime and violence, including killings of children; and discrimination and violence against lesbian, gay, bisexual, transsexual and intersex persons.

112. South Africa welcomed the national development plan, including improvements in the education system, environmental sustainability and hunger eradication. It noted strides in enhancing gender equality and women empowerment.

113. Spain welcomed the human rights unit within the Ministry of Justice, the Law on Disabilities, and ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. It was concerned about violence against children and girls; detention conditions, particularly of juveniles; abuses by police officers; and attacks against lesbian, gay, bisexual, transsexual and intersex persons.

114. Sri Lanka welcomed the national development plan, Vision 2030, and noted the adverse impact of climate change in Jamaica. It commended measures concerning health care, education, social assistance and children's rights. It noted the commitment of Jamaica to combat gender-based violence.

115. The delegation of Jamaica said that it was seeking to renew its emphasis on primary health care to reduce the burden on the secondary health-care system. Four centres of excellence had been established to provide diagnostic prevention and treatment services. The question of how to finance health care was a major issue. Jamaica was revising the safe motherhood programme and considering the approval of a national strategic plan for non-communicable diseases and a national development plan for sexual and reproductive health.

116. On the issue of climate change, Jamaica continued to advocate for action to keep global warming at or below 1.5 degrees Celsius above pre-industrial levels. It said that at the bilateral level, developed countries should take the lead in addressing climate change by raising their 2020 commitments, including by ratifying the Kyoto Protocol to the United Nations Framework Convention on Climate Change. In terms of national efforts, Jamaica recognized the adverse impact of climate change on vulnerable small island States and that in 2012 it had established a ministry dedicated to climate change and a climate change

policy framework action plan had been brought forward for discussion in Parliament in 2014.

117. In concluding, the delegation of Jamaica expressed appreciation for the constructive and frank nature of the recommendations, some of which were innovative. Jamaica was actively pursuing the establishment of a national human rights institution, which was a priority, based on the Paris Principles. It stated that Jamaica was making strides in the area of justice reform, especially regarding the criminal justice system. It also noted progress made in the many areas of human rights and said that it would not spare any effort, despite the challenging financial situation as a small island and developing State, to improve the level of human rights and the enjoyment of rights by all its citizens.

II. Conclusions and recommendations**

118. **The recommendations formulated during the interactive dialogue listed below have been examined by Jamaica and enjoy the support of Jamaica:**

118.1 **Continue the momentum to reduce incidences of HIV/AIDS by public education and campaigns (Trinidad and Tobago);**

118.2 **Redouble its efforts to establish the national human rights institution, in line with the Paris Principles (Indonesia);**

118.3 **Early establishment and early operationalization of the national human rights institution (Mauritius);**

118.4 **Strengthen its institutional framework to ensure harmonization of its national legislation with its international obligations in the area of human rights, and undertake the process of establishing a national human rights institution in accordance with the Paris Principles (Niger);**

118.5 **Hasten the establishment of a national human rights institution in line with the Paris Principles (Nigeria);**

118.6 **Step up its efforts to establish a national human rights institution that is compliant to the Paris Principles (Philippines);**

118.7 **Intensify its efforts to establish a national human rights institution (Rwanda);**

118.8 **Manifest, as soon as possible, the commitment of the Jamaican Government to establish a national human rights institution, in line with the Paris Principles (Senegal);**

118.9 **Continue its efforts to implement all measures related to the protection of rights of women, children and disabled persons (Democratic Republic of the Congo);**

118.10 **Continue efforts that promote and protect the rights of women, with emphasis on the incorporation of a gender perspective in law and in public policies, and pursuing measures to combat violence against women (Colombia);**

118.11 **Invest the necessary resources to ensure the effective socialisation and implementation of its national policy on gender equality and the national**

** The conclusions and recommendations have not been edited.

strategic plan of action to eliminate gender-based violence when finalized (Singapore);

118.12 **Continue its efforts to combat various types of violence against women, including domestic violence and sexual harassment (Togo);**

118.13 **Ensure the finalization and implementation of the national plan of action to eliminate gender violence (Uruguay);**

118.14 **Strengthen its efforts to eliminate discrimination of and violence against women and girls including through implementation of laws, policies and programmes to this effect (Germany);**

118.15 **Allocate sufficient resources to national institutions responsible for implementing the national strategic plan to eliminate gender-based violence (Paraguay);**

118.16 **Strengthen efforts on the implementation of the Child Care and Protection Act (South Africa);**

118.17 **Further strengthen efforts to prevent sexual exploitation of children (Sri Lanka);**

118.18 **Strengthen measures to combat poverty, in particular poverty of women and children (Algeria);**

118.19 **By implementing its national poverty policy and programme, redouble efforts to reduce poverty and improve the lives of vulnerable groups of the population (China);**

118.20 **Spare no effort to promote the holistic development of its children and youths, in particular those from the most vulnerable families to enhance social mobility and to break the vicious intergenerational cycle of poverty (Singapore);**

118.21 **Continue measures to increase access to health services for all, and enhance quality while giving special attention to the groups in vulnerable situations (Sri Lanka);**

118.22 **Continue its advocacy for keeping global warming at or below 1.5 degrees Celsius above the pre-industrial level (Philippines);**

118.23 **Seek assistance from the international community to more comprehensively address adaptation measures to address the effects of climate change (Sierra Leone).**

119. **The following enjoy the support of Jamaica which considers that they are already implemented or in the process of implementation:**

119.1 **Ratify the Rome Statute of the International Criminal Court (Timor-Leste);**

119.2 **Ratify the Rome Statute of the International Criminal Court (Cyprus);**

119.3 **Accede to the Rome Statute of the International Criminal Court (Denmark);**

119.4 **Pursue initiatives on human rights education, particularly through access to information and promotion of existing protection and redress mechanisms (Ecuador);**

119.5 **Developing programmes aimed at promoting the awareness of police on human rights values and principles (Egypt);**

119.6 **Strengthen the training of the security forces so that they respect human rights in their interventions (Senegal);**

119.7 **Establish a national human rights institution in conformity with the Paris Principles (Costa Rica);**

119.8 **Establish an independent national human rights institution in accordance with the Paris Principles (Democratic Republic of the Congo);**

119.9 **Establish a national human rights institution in accordance with the Paris Principles (Honduras);**

119.10 **Work towards early establishment of a national human rights institution (India);**

119.11 **Establish a national human rights institution which is in full compliance with the Paris Principles (Ireland);**

119.12 **Consider establishing a national human rights institution, in line with the Paris Principles (Panama);**

119.13 **Establish a national human rights institution in full compliance with the Paris Principles (Portugal);**

119.14 **Strengthen measures to foster training and awareness of public officials, particularly police and justice officials, on relevant human rights issues (Colombia);**

119.15 **Study the possibility of creating an online system to follow up on international recommendations, which would include the accepted recommendations of the universal periodic review (Paraguay);**

119.16 **Prepare and regularly submit periodic reports concerning international conventions, to which Jamaica is a party (Senegal);**

119.17 **Strengthen activities aimed at combating discrimination on any grounds and in all spheres of life (Colombia);**

119.18 **Take additional measures to address and eliminate negative stereotypes and adverse traditional beliefs and practices that discriminate against women (Thailand);**

119.19 **Ass[illegible]a sufficient resources for the implementation of the national gender equality policy, and review judicial procedures to ensure women and girls victims of domestic violence can have access to justice, by providing training to police and judicial staff in order for them to be treated with dignity (Chile);**

119.20 **Take effective measures to investigate and prosecute all incidents and acts of violence targeting individuals based on sexual orientation (Canada);**

119.21 **Step up its efforts to protect all citizens from violence and discrimination, including lesbian, gay, bisexual and transgender persons (Netherlands);**

119.22 **Ensure that the use of force is based on the principles of legality, necessity and proportionality (Thailand);**

119.23 **Take measures to ensure that abuses of force committed by security state agents, including summary executions, are promptly processed (Mexico);**

119.24 **Continue efforts in reducing crime and violence including through social interventions, community programmes and more effective policing (South Africa);**

119.25 **Intensify efforts to investigate allegations of excessive or unlawful use of force by police and the military, and to prosecute such cases as appropriate (United States of America);**

119.26 **Strengthen legislative measures and policies to improve prisons conditions (Angola);**

119.27 **Adopt adequate legislation to ensure that children in conflict with the law have access to justice and social reintegration, using the deprivation of liberty as a last resort (Chile);**

119.28 **Make additional efforts to improve the conditions of its prisons and detention centres toward elimination of overcrowding, improved sanitary conditions, and a strengthened system for medical care (Japan);**

119.29 **Improve prison conditions and detention facilities (Nigeria);**

119.30 **Conduct relevant actions to prevent that minors are referred to detention centers for adults (Spain);**

119.31 **Adopt and resource the national strategic plan of action to eliminate gender-based violence (Turkey);**

119.32 **Enhance all efforts to combat discrimination and violence against women, in particular by quickly adopting and effectively implementing the national strategic action plan to eliminate gender-based violence (Italy);**

119.33 **Continue its positive approach in enhancing gender equality and combating gender-based violence including through the finalization, adoption and implementation of its national strategic plan of action to eliminate gender-based violence (Malaysia);**

119.34 **Investigate allegations of ill-treatment of children living in centres and homes, and as appropriate, take all necessary corrective measures (Cabo Verde);**

119.35 **Take measures to prevent children from being economically exploited by adopting legislation and policies to address child labour in both the formal and informal sectors (Egypt);**

119.36 **Strengthen measures to promote and protect the rights of the child, including measures against sexual and labour exploitation (Japan);**

119.37 **Take all necessary measures to protect women and children from violence, particularly sexual abuse and exploitation, including through the adoption of awareness raising programmes, as well as by means of sexual education policies (Brazil);**

119.38 **Prepare a holistic childhood plan with a particular attention to the problem of child labour (Nicaragua);**

119.39 **Adopt and implement a comprehensive strategy to prevent violence against children (Slovenia);**

119.40 **Conduct more effective campaigns, as well as necessary legal reforms, to eradicate aggressions against minors (Spain);**

119.41 **Intensify efforts to identify victims of trafficking, to ensure that all perpetrators of trafficking in persons are investigated and prosecuted and to provide adequate protection and rehabilitation for the victims (Timor-Leste);**

119.42 **Ensure that all perpetrators of trafficking in persons are investigated and prosecuted; and provide adequate protection, reparation and compensation and rehabilitation to the victims (Egypt);**

119.43 **Continue to provide adequate resources to its anti-trafficking programs (Philippines);**

119.44 **Immediate elimination of the practice of incarcerating juvenile offenders alongside adults (United Kingdom of Great Britain and Northern Ireland);**

119.45 **Amend regulations related to arrest and detention by the Jamaica Constabulary Force, so that they clearly define the rights of detainees, strengthen judicial oversight of arrests, and provide specific remedies for breach of duty (Canada);**

119.46 **Give INDECOM the power it needs to investigate criminal acts committed by the Police (Australia);**

119.47 **Adequately resource the Justice Reform Implementation Unit so that it can effectively support the timely delivery of all justice sector reform initiatives and the implementation of Jamaica's Justice Reform Agenda (Singapore);**

119.48 **Continue efforts to promote women's participation in public decision taking (Honduras);**

119.49 **Continue to address the root causes of unemployment, especially among young people, by adopting the necessary long-term policies and strategies (Trinidad and Tobago);**

119.50 **Continue strengthening its sound social plans and programs in favour of its people — with a particular emphasis in the areas of education, food and health — for which it is very important to have the support of the community of nations, through the cooperation that the country might require (Bolivarian Republic of Venezuela);**

119.51 **Augment their efforts to reduce poverty and to provide enhanced access of safe potable water particularly in rural communities (Trinidad and Tobago);**

119.52 **Advance the development of a national poverty policy and strengthen efforts in implementation of the country's Social Protection Strategy (South Africa);**

119.53 **Adopt a comprehensive national housing strategy with a view to ensuring access to adequate and affordable housing (Egypt);**

119.54 **Strengthen awareness-raising campaigns about the forms of contracting HIV/AIDS and respective preventive measures, particularly focusing on marginalized young persons, drug users, sexual workers of both sex and other groups which are vulnerable to being infected (Mexico);**

119.55 **Maintain actions aimed at improving the public health system of the country, including in the area of HIV/AIDS (Cuba);**

119.56 **Strengthen the implementation of the national programme to combat HIV and sexually transmitted diseases and ensure that discrimination against persons with HIV be prohibited (Morocco);**

119.57 **Continue to commit more resources to primary health care (Nigeria);**

119.58 **Continue to invest more in education, improve coverage and quality of education and in particular ensure the right to education for children from poor families, girls, children with disabilities, and others belonging to vulnerable group (China);**

119.59 **Establish stronger measures to increase access to education particularly to those living in rural areas (Maldives);**

119.60 **Continue to fully implement the Disabilities Act 2014 (Cuba);**

119.61 **Take adequate measures towards providing legislative protection to its disabled community (India);**

119.62 **Strengthen efforts to combat discrimination against persons with disabilities and take specific measures to increase employment opportunities for them (Maldives).**

120. **The following recommendations will be examined by Jamaica, which will provide responses in due time, but no later than the thirtieth session of the Human Rights Council, in September 2015:**

120.1 **Ratify the Convention against Torture (Timor-Leste);**

120.2 **Sign and ratify the Convention against Torture (France);**

120.3 **Ratify the Convention against Torture (Algeria);**

120.4 **Expand the support to international human rights instruments by adhering to the Convention against Torture and the International Convention for the Protection of All Persons from Enforced Disappearance (Cabo Verde);**

120.5 **Sign and ratify the Convention against Torture (Canada);**

120.6 **Ratify the Convention against Torture and prohibit corporal punishment and other cruel treatment of girls and boys (Chile);**

120.7 **Consider the option of ratifying the Convention against Torture and the International Convention for the Protection of All Persons from Enforced Disappearance (Democratic Republic of the Congo);**

120.8 **Intensify efforts to ratify the Convention against (Denmark);**

120.9 **Consider the ratification of the Convention against Torture (Ecuador);**

120.10 **Continue its efforts in strengthening its national legal frameworks including by taking concrete steps towards the accession of the Convention against Torture (Indonesia);**

120.11 **Ratify the Convention against Torture and the International Convention for the Protection of All Persons from Enforced disappearance (Sierra Leone);**

120.12 **Ratify the Convention against Torture (Spain);**

120.13 **Consider signing and ratifying the International Convention for the Protection of All Persons from Enforced Disappearance (Argentina);**

120.14 **Consider the ratification of the Optional Protocol to the Convention on the Rights of Persons with Disabilities (Angola);**

120.15 **Ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities (Honduras);**

120.16 **Ratify the Rome Statute of the International Criminal Court and accede to the Agreement on the Privileges and Immunities of the International Criminal Court (Botswana);**

120.17 **Ratify the Rome Statute of the International Criminal Court and accede to the Agreement on the Privileges and Immunities of the International Criminal Court (Estonia);**

120.18 **Accede to and fully align its national legislation with the Rome Statute of the International Criminal Court (ICC), including by incorporating provisions to cooperate promptly and fully with the ICC and to investigate and prosecute genocide, crimes against humanity and war crimes effectively before its national courts, and accede to the Agreement on the Privileges and Immunities of the International Criminal Court (Netherlands);**

120.19 **Ratify the International Labour Organization Convention 169 concerning Indigenous and Tribal Peoples in Independent Countries (Guatemala);**

120.20 **Take measures with a view to ending discrimination against women and children; eliminate negative stereotypes as well as combating torture and ill treatment by the law enforcement agencies (Nigeria);**

120.21 **Actively protect gender equality and women's rights and ensure inter alia that women and girls have effective access to justice, including through the provision of legal aid (Estonia).**

120.22 **Adopt concrete measures to implement the national strategic plan to eliminate gender-based violence, as announced in 2013, and envisage softening legislation towards decriminalisation of abortion, especially in cases of rape (France);**

120.23 **Amend section 5 of the Sexual Offences Act 2009 in order to ensure that sexual intercourse by a husband with his wife without her consent is a criminal offence in all circumstances (Ireland);**

120.24 **Adopt concrete measures to remove children from the streets and preventing their use in prostitution, pornography and other illegal acts (Chile);**

120.25 **Amend the Law on Foreigners to include an explicit limit to administrative detention (Mexico);**

120.26 **Further strengthen the Independent Commission of Investigations (INDECOM) in line with international standards by amending the Coroner's Act to include INDECOM as an interested party to an inquiry into a death, and reforming INDECOM Act to settle challenges from the police to INDECOM's jurisdiction and mandate (Canada).**

121. **The recommendations below did not enjoy the support of Jamaica and would thus be noted:**

121.1 **Consider ratifying human rights instruments to which it is not yet a State Party (Nicaragua);**

121.2 **Consider ratifying core international human rights treaties and their optional protocols, which have not yet been ratified (Panama);**

121.3 **Consider taking all necessary steps to introduce a de jure moratorium on capital executions with a view to fully abolish the death penalty, and to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Italy);**

121.4 **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights on the abolition of the death penalty (Turkey);**

121.5 **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Chile);**

121.6 **Ratify without reservations the Second Optional Protocol to the International Covenant on Civil and Political Rights (Cyprus);**

121.7 **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Montenegro);**

121.8 **Consider accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights with the aim of abolishing the death penalty and introducing an official moratorium on executions (Namibia);**

121.9 **Sign the Second Optional Protocol to the International Covenant on Civil and Political Rights and establish a moratorium on executions with a view to abolishing the death penalty (Portugal);**

121.10 **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Rwanda);**

121.11 **Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Costa Rica);**

121.12 **Sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, as well as the Convention against Torture (Portugal);**

121.13 **Consider ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women (Uruguay);**

121.14 **Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women (Slovenia);**

121.15 **Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Australia);**

121.16 **Consider ratifying the Convention against Torture and its Optional Protocol, and the International Convention for the Protection of All Persons from Enforced Disappearance (Uruguay);**

121.17 **Ratify the Convention against Torture and its Optional Protocol (Guatemala);**

121.18 **Consider ratifying the Convention against Torture and the Second Optional Protocol to the International Covenant on Civil and Political Rights (Paraguay);**

121.19 **Consider ratifying International Labour Organization Convention 189 concerning decent work for domestic workers (Philippines);**

121.20 **Implement measures to recognize and protect human rights defenders, including those defending the rights of the lesbian, gay, bisexual, transsexual and intersex population (Germany);**

121.21 **Extend a standing Invitation to the Special Procedures in order to improve its cooperation with the international community in the field of human rights (Turkey);**

121.22 **Extend a standing invitation to the United Nations Special Procedures (Guatemala);**

121.23 **Improve its cooperation with the United Nations treaty and charter-based bodies by extending an open invitation to Special Procedures, to accept those requests already pending, and to continue to submit its future reports to the treaty bodies on time (Norway);**

121.24 **Adopt a general legal framework against discrimination, defining this crime comprehensively, including direct and indirect forms of discrimination, contemplating all spheres of public and private law, and criminalising acts committed by public and private agents (Mexico);**

121.25 **Take the necessary steps to eliminate discrimination against women in all spheres of society, including making legislative amendments (Namibia);**

121.26 **Continue efforts to combat discrimination against women through appropriate legal provisions (Nicaragua);**

121.27 **Repeal the legal provisions making same-sex intimacy among men-described as "gross indecency and buggery"-illegal (Sweden);**

121.28 **Introduction and implementation of fully comprehensive anti-discrimination legislation to include sexual orientation and gender (United Kingdom of Great Britain and Northern Ireland);**

121.29 **Take measures to reduce violence against lesbian, gay, bisexual, transsexual and intersex persons, with a view to reducing homophobic prejudices of the Jamaican society and facilitate their access to all services (Uruguay);**

121.30 **In line with the Human Rights Committee, decriminalize consensual same-sex sexual relations between adults and put an end to prejudices and social stigmatization of homosexuality (Argentina);**

121.31 **Legally prohibit discrimination on the grounds of sex, sexual orientation and gender identity and punish acts of violence that affect lesbian, gay, bisexual, transsexual and intersex persons (Chile);**

121.32 **Decriminalize consensual same-sex sexual conduct between adults (United States of America);**

121.33 **Decriminalize sexual relations between consenting adults of the same sex and put an end to prejudices and social stigmatization of homosexuality (Germany);**

121.34 **Strengthen the legal framework to combat discrimination on the basis of sexual orientation (Italy);**

121.35 **Prohibit discrimination on the basis of sex, sexual orientation and gender identity. Such measures would be of great importance to the fight against homophobia as well as for the progress in combating HIV/AIDS in the country (Brazil);**

121.36 **Amend its laws with a view to prohibiting discrimination on the basis of sex, sexual orientation and gender identity (Montenegro);**

121.37 **Amend the Charter of Fundamental Rights and Freedoms to include sexual orientation and gender identity and expression as a protected category (Norway);**

121.38 **Decriminalize sexual activity between consenting adults of the same sex, and address hate crimes on the grounds of sexual orientation and gender identity, as matter of urgency, as previously recommended (Slovenia);**

121.39 **Repeal laws that criminalize sexual activity between consenting adults of the same sex (Slovenia);**

121.40 **Take measures to eliminate the discrimination and stigmatization against lesbian, gay, bisexual, transsexual and intersex persons (Slovenia);**

121.41 **Adopt effective measures to eradicate violence against the lesbian, gay, bisexual, transsexual and intersex group, as well as the inclusion within the Charter of Rights adopted in 2011 of a provision for no discrimination on grounds of sexual orientation (Spain);**

121.42 **Continue its efforts to abolish the death penalty (Togo);**

121.43 **Observe an official moratorium on executions in order to envisage, ultimately, the final abolition of capital punishment (France);**

121.44 **Establish a de jure moratorium with a view to the definitive abolition of the death penalty (Uruguay);**

121.45 **Establish a moratorium with a view to abolishing the death penalty (Argentina);**

121.46 **Adopt a formal moratorium on the death penalty, and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Australia);**

121.47 **Enact and implement laws and policies that recognize and protect human rights defenders, and ensure prompt, thorough and impartial investigations of all violations against them (Botswana);**

121.48 **Establish an official moratorium on executions with a view to abolishing the death penalty (Estonia);**

121.49 **Establish a moratorium with a view to abolishing the death penalty (Panama);**

121.50 **Establish a moratorium with a view to abolishing the death penalty (Sierra Leone);**

121.51 **Declare a de jure moratorium on the death penalty with a view to abolishing capital punishment, and consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights (Slovenia);**

121.52 **Ensure that gender-based violence is reported, duly investigated and prosecuted (Slovenia);**

121.53 **Ensure the revised Child Care and Protection Act prohibits all corporal punishment of children, including in the home, and explicitly repeals the right to administer reasonable and moderate punishment (Sweden);**

121.54 **Explicitly prohibit corporal punishment in all settings, including the family, schools and institutions (Estonia);**

121.55 **Identify and protect children employed in the worst forms of child labour, and increase assistance to victims of forced labour and sex trafficking (United States of America);**

121.56 **Enact anti-discrimination legislation to protect human rights and to ensure equal treatment of people living with HIV and groups vulnerable to HIV, consistent with United Nations International Guidelines on HIV/AIDS and Human Rights (Norway);**

121.57 **Adhere to the Second Optional Protocol to the International Covenant on Civil and Political Rights, and declare a moratorium on pending executions, with a view to abolishing the death penalty (Costa Rica).**

122. **Concerning recommendations 121.13, 121.14 and 121.15 put forward by Uruguay, Slovenia and Australia, Jamaica considers that in keeping with standard practice, the Government is in the process of putting in place the relevant domestic measures that can give effect to the implementation of the Optional Protocol.**

123. **Concerning recommendation 121.20 put forward by Germany, Jamaica considers that there is no basis for stating that human rights defenders are at risk in Jamaica; that full protection is afforded to them as citizens under the law; and that they are active, openly engaged in advocacy, and have contributed positively to the development of the Jamaican human rights architecture.**

124. **Concerning recommendations 121.25 and 121.26 put forward by Namibia and Nicaragua, Jamaica considers it has existing, effective anti-discrimination legislation, which is adequate.**

125. **Concerning recommendation 121.29 put forward by Uruguay, Jamaica considers it is not accurate to typify the attitudes of Jamaican society generally as "homophobic prejudices".**

126. **Concerning recommendation 121.30 put forward by Argentina, Jamaica considers it is committed to taking steps to end prejudice and stigmatization affecting all Jamaicans, including lesbian, gay, bisexual, transsexual and intersex persons.**

127. **Concerning recommendation 121.40 put forward by Slovenia, Jamaica considers it is already taking measures to eliminate stigma and discrimination against all Jamaicans, including lesbian, gay, bisexual, transsexual and intersex persons.**

128. **Concerning recommendation 121.47 put forward by Botswana, Jamaica considers there is no basis to conclude that human rights defenders are at risk.**

129. **Concerning recommendation 121.52 put forward by Slovenia, Jamaica considers that no country can guarantee that gender-based violence will be reported and that, however, Jamaica continues to employ measures to encourage reporting.**

130. **Concerning recommendation 121.55 put forward by the United States of America, Jamaica accepts this recommendation in principle, but its interpretation of**

"sex trafficking" in this context is human trafficking of minors for the purpose of sexual exploitation.

131. Concerning recommendation 121.56 put forward by Norway, Jamaica considers it has measures in place to combat discrimination of persons, including those living with HIV/AIDS, and that all have equal access to HIV/AIDS medicines.

132. All conclusions and recommendations contained in the present report reflect the position of the submitting States and the State under review. They should not be construed as endorsed by the Working Group as a whole.

Annex

[English only]

Composition of the delegation

The delegation of Jamaica was headed by Senator the Honourable Mark Golding, Minister of Justice, and composed of the following members:

- H.E. Wayne McCook, Ambassador/Permanent Representative of Jamaica to the Office of the United Nations and its Specialized Agencies at Geneva
- Mr. Elbert Nelson, Assistant Commissioner of Police Jamaica Constabulary Force
- Ms. Joyce Stone, Deputy Commissioner of Corrections Department of Correctional Services
- Ms. Joan Thomas Edwards, Director International Organisations Department, Ministry of Foreign Affairs and Foreign Trade
- Ms. Cherryl Gordon, Minister/Deputy Permanent Representative, Permanent Mission of Jamaica to the Office of the United Nations and its Specialised Agencies at Geneva
- Ms. Alicia McIntosh, Assistant Attorney-General, Attorney-General's Chambers
- Ms. Patrice Laird-Grant, Minister-Counsellor, Permanent Mission of Jamaica to the Office of the United Nations and its Specialised Agencies at Geneva
- Ms. Simara Howell, First Secretary, Permanent Mission of Jamaica to the Office of the United Nations and its Specialised Agencies at Geneva